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SENATE MEMORIAL 7

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

Leonard Lee Rawson

A MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO APPLY *JACKSON V. FT.*  
*STANTON* RECOMMENDATIONS.

WHEREAS, individuals with developmental disabilities  
comprise one of the most vulnerable populations in New  
Mexico; and

WHEREAS, individuals with developmental disabilities  
have historically been considered incapable of making  
decisions for themselves; and

WHEREAS, individuals with developmental disabilities  
have historically had others making decisions on their  
behalf, sometimes resulting in abuse, neglect and  
exploitation; and

WHEREAS, the department of health has prior experience  
with deinstitutionalization and with the difficulties  
experienced by previously institutionalized individuals in

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1 making their own decisions; and

2 WHEREAS, experience has shown that, with appropriate  
3 guidance, individuals with developmental disabilities are  
4 capable of making decisions for themselves but need  
5 assistance in understanding the consequences of their  
6 decisions; and

7 WHEREAS, the *Jackson v. Ft. Stanton* suit directs the  
8 department of health to work with advocacy groups and funding  
9 sources for self-determination and self-advocacy; and

10 WHEREAS, recommendations developed by the department of  
11 health and the human services department include assisting  
12 people with developmental disabilities in making their own  
13 decisions; and

14 WHEREAS, within the last two and one-half years, two  
15 service provider agencies terminated their residential  
16 programs, requiring persons with developmental disabilities  
17 who had no previous training in making decisions to choose  
18 other service providers;

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE  
20 STATE OF NEW MEXICO that the department of health work  
21 collaboratively with the human services department to  
22 implement the recommendations in the five-point plan for the  
23 future of intermediate care facilities for the mentally  
24 retarded in New Mexico and convene a work group to develop a  
25 plan for providing self-determination and self-advocacy  
training and support for decision making for individuals with  
disabilities statewide and to develop a budget to support the

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1 recommended programs; and

2 BE IT FURTHER RESOLVED that the work group include  
3 individuals with developmental disabilities, family members,  
4 advocacy organizations, community-based providers and  
5 developmental disability services; and

6 BE IT FURTHER RESOLVED that the department of health  
7 report on the implementation of these programs to the  
8 legislative health and human services committee at its  
9 September 2000 meeting; and

10 BE IT FURTHER RESOLVED that copies of this memorial be  
11 transmitted to the secretary of health and the secretary of  
12 human services.